

Appl. No. 10/605,687
Amtd. Dated: Dec. 9, 2005
Response to Office Action Dated Sep. 19, 2005

Remarks/Arguments:

This communication is in response to an Office Action dated September 19, 2005. Claims 1 to 14 are pending, stand rejected at present, and are subject to a restriction requirement. Claims 12-14, Group II, were withdrawn from consideration without traverse and Applicant affirms the election of Group I claims 1-11 for prosecution. Claims 1-11 stand rejected at present. Claim 8 is objected to. The specification and drawings were objected to by the examiner. Claim 15 has been added herein.

Corrections to the specification, drawings, and claim 8 have been made hereinabove to overcome Examiner's Objections.

Claims 1-2, and 7-9 were rejected under 35 U. S. C. 102(b) as being anticipated by Cantu et al. in U.S. Patent 4,957,165. Applicants respectfully point out that Cantu '165 teaches in the background of invention, typical prior art treatment fluids containing calcium carbonate to control fluid loss, that using calcium carbonate in the fluid makes necessary the need to carry out a separate acid treatment for dissolution and to restore formation permeability (column 1, lines 56 - 64), that acidizing makes permanent formation damage possible (column 2, lines 2 - 5), and that while acid treatments result in breaking of the gel in the gel filter pad, in some cases additional gel-breaking treatment is required (column 2, lines 5 - 8). Cantu '165 discloses fluid loss additives comprising hydroxyacetic acid condensation products which must be degradable at formation conditions, that they be used in amounts sufficient to substantially completely break the gel in the gel filter pad which is formed during the treatment, and that the need for a separate gel breaker injection step is eliminated (column 3, lines 27 - 38). Further, Cantu '165 teaches that the fluid loss additives comprising hydroxyacetic acid condensation products provide both fluid loss properties and gel breaking capabilities such that the gel filter pad is completely removed, thus restoring full permeability (column 2, lines 11 - 19). Hence, Cantu '165 teaches compositions which serve as fluid loss additives and gel breakers to eliminate the use of calcium carbonate and avoid permanent formation damage. To anticipate a claim, a single source must contain all of the elements of the

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claim. Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Since Cantu '165 does not contain all of the elements of and as arranged in Applicant's claims, Cantu '165 fails to anticipate Applicant's claims. Therefore, Applicant respectfully requests that the rejection be withdrawn.

Claims 1-5, 7 and 10-11 were rejected under 35 U. S. C. 102(b) as being anticipated by Cantu et al. in U.S. Patent 4,986,354. Applicants note that Cantu '354 discloses chemicals encapsulated within microcapsules where the microcapsules comprise the low molecular weight condensation product of hydroxyacetic acid with itself or with other compounds containing hydroxy-, carboxylic acid- or hydroxycarboxylic acid moieties (column lines 51 – 56). Cantu '354 fails to disclose the combination of solid acid-precursor and solid acid-reactive material. As such, Cantu '354 fails to anticipate Applicant's claim since Cantu fails to teach all elements and limitations of Applicant's claims. Therefore, Applicant respectfully requests withdrawal of the rejection.

Claims 1-7 and 10-11 were rejected under 35 U. S. C. 103(a) as being unpatentable over Cantu et al. in U.S. Patent 4,986,354. Applicants note that Cantu '354 discloses chemicals encapsulated within condensed acid microcapsules, which falls short of yielding the claimed invention, (i.e. fails to satisfy all the claimed limitations). Cantu '354 fails to disclose the combination of solid acid-precursor particles and solid acid-reactive material particles. As such, the rejected claims are non-obvious over Cantu '354. Applicants request withdrawal of the rejection.

Claims 1 and 8-9 were rejected under 35 U. S. C. 103(a) as being unpatentable over Cantu et al. in U.S. Patent 4,957,165 in view of Johnson et al. in U.S. Patent 5,325,921. Applicants note that Cantu '165 teaches condensed acid compositions which serve as fluid loss additives and gel breakers, and teaches away from the use of calcium carbonate fluid loss agents to avoid permanent formation damage. So, even if modified or

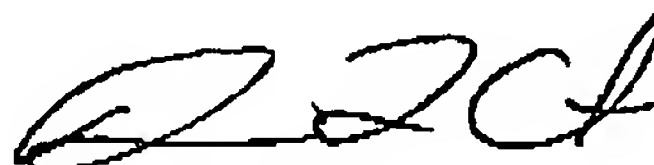
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combined as proposed, the resultant modification or combination would still fall short of yielding the claimed invention, *i.e.*, failure to satisfy all the claimed limitations. Therefore, the rejected claims are non-obvious over Cantu '165 in view of Johnson '921. Applicants respectfully request withdrawal of the rejection.

Claims 1 and 7 were rejected under 35 U. S. C. 103(a) as being unpatentable over Cantu et al. in U.S. Patent 4,957,165 in view of Lee in U.S. Patent 6,817,414. Applicants note that Lee was publicly available only on or after Mar. 25, 2004. Applicant's application claims the priority date of Oct. 28, 2002, U.S. Provisional Patent Application No. 60/421,696, and the non-Provisional was filed on Oct. 17, 2003. As such, Applicants request withdrawal of the rejection.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner believes that the prosecution of the application would be facilitated by a telephone interview, Applicants invite the Examiner to contact the undersigned at 281-285-8606. The Commissioner is authorized to charge any additional required fee, or credit any excess fee paid, to Deposit Account 04-1579 (56,0758).

Respectfully submitted,



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Date: Dec. 9, 2005
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